

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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| JAMES H. GORBEY, JR., Administrator of the | : | |
| Estate of Marissa Rose Fishman, Deceased, | : | |
| | : | Civil Action No.: 05-211-KAJ |
| Plaintiff, | : | |
| vs. | : | |
| RICHARD LONGWILL, BARBARA | : | |
| LONGWILL, AIR BASE CARPET MART, INC. | : | |
| d/b/a Air Base Distributing, Inc. d/b/a Air Base | : | |
| Carpet Mart, AIR BASE DISTRIBUTING, INC., | : | |
| ASHLAND CONSTRUCTION COMPANY, INC., | : | |
| JOSEPH RIZZO & SONS CONSTRUCTION, | : | |
| VINCENT RIZZO CONSTRUCTION CO., INC. | : | |
| d/b/a Ashland Construction Co., Inc., JOSEPH V. | : | |
| RIZZO, and VINCENT RIZZO, | : | |
| | : | |
| Defendants. | : | |

ORDER

AND NOW this _____ day of _____, 2006, upon consideration of the Motion for Summary Judgment filed by Defendants, Richard Longwill and Barbara Longwill, and Plaintiff's response there to, it is hereby ORDERED and DECREED that said Motion for Summary Judgment is DENIED in its entirety.

The Honorable Kent A. Jordan